

**FILED**

**NOV 13 2006**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

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ENTRUST ADMINISTRATION, INC. and THE ENTRUST GROUP, INC.

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION**

ENTRUST ADMINISTRATION, INC. a  
California Corporation, and THE  
ENTRUST GROUP, INC., a Delaware  
Corporation.

Plaintiffs,

vs.

THOMAS DAVISE, an Individual, BLAIR  
PEETZ, an Individual, and  
eTRUSTDIRECT, INC.

Defendants.

Case No. C06-06427 JW

**~~PROPOSED~~ ORDER GRANTING  
PLAINTIFFS' REQUEST FOR  
PRELIMINARY INJUNCTION**

**[Civil Local Rule 65-1]**

Judge: Hon. James Ware

On October 31, 2006, Plaintiffs Entrust Administration, Inc. and Entrust Group, Inc. (collectively, "Entrust") filed an *Ex Parte* Motion for a Temporary Restraining Order and Order to Show Cause for Preliminary Injunction (the "Motion") against Defendants Thomas Davise, Blair Peetz and eTrustDirect, Inc. (collectively, "Defendants"). That same day, October 31, 2006, this Court granted Entrust's Motion and entered a TRO temporarily restraining Defendants from

1 performing certain acts.

2 In its October 31 Order, this Court ordered, among other things, that Defendants file and  
3 personally serve any opposition to Entrust's Motion by no later than November 7, 2006.  
4 Defendants failed to file any opposition. This Court also ordered Defendants and their  
5 employees, officers, agents, servants, attorneys and/or assigns, and all those acting in concert with  
6 them, to return to Entrust within three (3) days of entry of the Order any Entrust Trade Secrets  
7 currently in their possession, custody or control. Defendants failed to comply with this provision  
8 as well. This Court further ordered Defendants to show cause on November 13, 2006 why  
9 Defendants and their employees, officers, agents, servants, attorneys and/or assigns, and all those  
10 acting in concert with them, should not be restrained and enjoined pending trial of this action  
11 from performing certain acts.

12 On November 13, 2006, this matter came before the Honorable James Ware for hearing  
13 on the request for preliminary injunction filed by Entrust against Defendants. Having considered  
14 Entrust's request, the files and records of the case, and the evidence and argument presented at  
15 oral argument, it is **HEREBY ORDERED** that Entrust's request is **GRANTED**.

16 As part of its business, Entrust maintains a database of its customers containing detailed,  
17 confidential information about those customers and their accounts, including but not limited to  
18 their names, addresses, email addresses, telephone numbers, and the value and nature of the  
19 customers' account (Entrust's "Trade Secrets").

20 When establishing a new customer accounts, an Entrust business development  
21 representative provides certain forms to the Entrust client for the purpose of effecting the self-  
22 directed account (the "Administrative Forms"), which Administrative Forms also are maintained  
23 as confidential by Entrust and are part of Entrust's Trade Secrets.

24 **IT IS HEREBY ORDERED** that:

25 (1) Defendants and their employees, officers, agents, servants, attorneys and/or assigns,  
26 and all those acting in concert with them, are hereby enjoined during the pendency of this action  
27 from the following:

28 (a) Disseminating any advertising, solicitations, or communications with

1 customers or prospective customers in which Defendants make false or misleading statements  
 2 about themselves or about Entrust, including but not limited to, statements (i) that Entrust pays  
 3 less than 0.01% interest on customer accounts, and (ii) that Defendants have a custodial  
 4 relationship with Greater Bay Bank, N.A.;

5 (b) Making any use whatsoever, direct or indirect, of Entrust's Trade Secrets  
 6 (including without limitation customer information and Administrative Forms) currently in the  
 7 possession, custody or control of Defendants;

8 (c) Passing or otherwise disclosing in any way the Entrust's Trade Secrets  
 9 (including without limitation customer information and Administrative Forms) to any third party;

10 (d) Using Entrust's Trade Secrets (including without limitation customer  
 11 information and Administrative Forms) to solicit any of Entrust's customers; and

12 (e) Entering into any agreement with any customer whose identity became known  
 13 to Defendants as a result of confidential information belonging to Entrust.

14 (2) Within three (3) days of entry of this Order, Defendants and their employees, officers,  
 15 agents, servants, attorneys and/or assigns, and all those acting in concert with them, are required  
 16 to return to Entrust any Entrust Trade Secrets (including without limitation customer information  
 17 and Administrative Forms) currently in their possession, custody or control, including all Entrust  
 18 customer lists and forms and/or all confidential information of Entrust's customers.

19 (3) There shall be no bond on this preliminary injunction.

20 IT IS SO ORDERED.

21  
 22 Dated: November 13, 2006

23 9:45 am

24   
 25 Honorable James Ware  
 26 United States District Court Judge  
 27  
 28